

REMARKS

This is an amendment in response to the final Official Action mailed **January 21, 2009** (the “Office Action” or “Action”) and concurrent to an appeal brief, pursuant to 37 C.F.R. § 1.116(b).

Claim Status:

By the foregoing amendment, claim 26 has been amended. No new matter has been added. No claims have been added or cancelled. Thus, claims 1-4, 6-15 and 26 are currently pending for further action.

Objection to Claims:

In the outstanding Office Action, the Examiner objected to claim 26 because of a minor typographical error. This issue has been corrected by the present amendment. No new matter has been added. Moreover, the amendments made in this regard do not, and are not intended to, narrow or change the scope of the claims. Following entry of this amendment, the objection to claim 26 may be reconsidered and withdrawn.

37 C.F.R. §41.33

Because the present amendment is filed prior to an Appeal Brief, 37 C.F.R. §41.33 directs that the amendment be entered under the provisions of 37 C.F.R. § 1.116. Therefore, entry and consideration of this amendment are proper under 37 C.F.R. § 1.116 for at least the following reasons. The present amendment makes only those changes necessary to place the application in

better condition for appeal by correcting a clear error. The amendment does not raise new issues requiring further search or consideration. Therefore, entry of the present amendment is proper under 37 C.F.R. § 1.116 and § 41.33 and is hereby requested.

Conclusion:

In view of the foregoing arguments, all claims are believed to be in condition for allowance over the prior art of record. Therefore, this response is believed to be a complete response to the Office Action. However, Applicant reserves the right to set forth further arguments in future papers supporting the patentability of any of the claims, including the separate patentability of the dependent claims not explicitly addressed herein. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed.

The absence of a reply to a specific rejection, issue or comment in the Office Action does not signify agreement with or concession of that rejection, issue or comment. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

If the Examiner has any comments or suggestions which could place this application in better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

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/Steven L. Nichols/

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